

AN ACT concerning ethics.

Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:

ARTICLE 1

GENERAL PROVISIONS

Section 1-1. Short title. This Act may be cited as the  
State Officials and Employees Ethics Act.

Section 1-5. Definitions. As used in this Act:

"Appointee" means a person appointed to a position in or  
with a State agency, regardless of whether the position is  
compensated.

"Campaign for elective office" means any activity in  
furtherance of an effort to influence the selection,  
nomination, election, or appointment of any individual to any  
federal, State, or local public office or office in a  
political organization, or the selection, nomination, or  
election of Presidential or Vice-Presidential electors, but  
does not include activities (i) relating to the support or  
opposition of any executive, legislative, or administrative  
action (as those terms are defined in Section 2 of the  
Lobbyist Registration Act), (ii) relating to collective  
bargaining, or (iii) that are otherwise in furtherance of the  
person's official State duties.

"Candidate" means a person who has filed nominating  
papers or petitions for nomination or election to an elected  
State office, or who has been appointed to fill a vacancy in  
nomination, and who remains eligible for placement on the  
ballot at either a general primary election or general  
election.

"Collective bargaining" has the same meaning as that term

is defined in Section 3 of the Illinois Public Labor Relations Act.

"Compensated time" means any time worked by or credited to a State employee that counts toward any minimum work time requirement imposed as a condition of employment with a State agency, but does not include any designated State holidays or any period when the employee is on a leave of absence.

"Compensatory time off" means authorized time off earned by or awarded to a State employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with a State agency.

"Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code.

"Employee" means (i) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed; or (ii) any appointee.

"Executive branch constitutional officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

"Governmental entity" means a unit of local government or a school district but not a State agency.

"Leave of absence" means any period during which a State employee does not receive (i) compensation for State employment, (ii) service credit towards State pension benefits, and (iii) health insurance benefits paid for by the State.

"Legislative branch constitutional officer" means a member of the General Assembly and the Auditor General.

"Legislative leader" means the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

"Member" means a member of the General Assembly.

"Officer" means a State constitutional officer of the executive or legislative branch.

"Political" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum

question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election, except to the extent that under subsection (d) of Section 6 of Article IV of the Illinois Constitution each house of the General Assembly shall judge the elections, returns, and qualifications of its members.

"State agency" includes all officers, boards, commissions and agencies created by the Constitution, whether in the executive or legislative branch; all officers, departments, boards, commissions, agencies, institutions, authorities, public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act, and bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, other than units of local government and their officers, school districts, and boards of election commissioners; and all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor. "State agency" includes the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, and the legislative support services agencies. "State agency" includes the Office of the Auditor General. "State agency" does not include the judicial branch.

"State employee" means any employee of a State agency.

"Ultimate jurisdictional authority" means the following:

(1) For members, legislative partisan staff, and legislative secretaries, the appropriate legislative leader: President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, or Minority Leader of the House of Representatives.

(2) For State employees who are professional staff

or employees of the Senate and not covered under item (1), the Senate Operations Commission.

(3) For State employees who are professional staff or employees of the House of Representatives and not covered under item (1), the Speaker of the House of Representatives.

(4) For State employees who are employees of the legislative support services agencies, the Joint Committee on Legislative Support Services.

(5) For State employees of the Auditor General, the Auditor General.

(6) For State employees of public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act, the board of trustees of the appropriate public institution of higher learning.

(7) For State employees of an executive branch constitutional officer other than those described in paragraph (6), the appropriate executive branch constitutional officer.

(8) For State employees not under the jurisdiction of paragraph (1), (2), (3), (4), (5), (6), or (7), the Governor.

Section 1-10. Applicability. The State Officials and Employees Ethics Act applies only to conduct that occurs on or after the effective date of this Act and to causes of action that accrue on or after the effective date of this Act.

## ARTICLE 5

### ETHICAL CONDUCT

Section 5-5. Personnel policies.

(a) Each of the following shall adopt and implement

personnel policies for all State employees under his, her, or its jurisdiction and control: (i) each executive branch constitutional officer, (ii) each legislative leader, (iii) the Senate Operations Commission, with respect to legislative employees under Section 4 of the General Assembly Operations Act, (iv) the Speaker of the House of Representatives, with respect to legislative employees under Section 5 of the General Assembly Operations Act, (v) the Joint Committee on Legislative Support Services, with respect to State employees of the legislative support services agencies, (vi) members of the General Assembly, with respect to legislative assistants, as provided in Section 4 of the General Assembly Compensation Act, (vii) the Auditor General, (viii) the Board of Higher Education, with respect to State employees of public institutions of higher learning except community colleges, and (ix) the Illinois Community College Board, with respect to State employees of community colleges. The Governor shall adopt and implement those policies for all State employees of the executive branch not under the jurisdiction and control of any other executive branch constitutional officer.

(b) The policies required under subsection (a) shall include policies relating to work time requirements, documentation of time worked, documentation for reimbursement for travel on official State business, compensation, and the earning or accrual of State benefits for all State employees who may be eligible to receive those benefits. The policies shall comply with and be consistent with all other applicable laws. For State employees of the legislative branch, the policies shall require those employees to periodically submit time sheets documenting the time spent each day on official State business to the nearest quarter hour; contractual employees of the legislative branch may satisfy the time sheets requirement by complying with the terms of their contract, which shall provide for a means of compliance with

this requirement. The policies for State employees of the legislative branch shall require those time sheets to be submitted on paper, electronically, or both and to be maintained in either paper or electronic format by the applicable fiscal office for a period of at least 2 years.

Section 5-10. Ethics training. Each officer and employee must complete, at least annually, an ethics training program conducted by the appropriate ethics officer appointed under the State Gift Ban Act. Each ultimate jurisdictional authority must implement an ethics training program for its officers and employees. A person who fills a vacancy in an elective or appointed position that requires training and a person employed in a position that requires training must complete his or her initial ethics training within 6 months after commencement of his or her office or employment.

Section 5-15. Prohibited political activities.

(a) State employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). State employees shall not intentionally misappropriate any State property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

(b) At no time shall any executive or legislative branch constitutional officer or any official, director, supervisor, or State employee intentionally misappropriate the services of any State employee by requiring that State employee to perform any prohibited political activity (i) as part of that employee's State duties, (ii) as a condition of State employment, or (iii) during any time off that is compensated by the State (such as vacation, personal, or compensatory time off).

(c) A State employee shall not be required at any time to participate in any prohibited political activity in consideration for that State employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(d) A State employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the State employee's participation in any prohibited political activity.

(e) Nothing in this Section prohibits activities that are otherwise appropriate for a State employee to engage in as a part of his or her official State employment duties or activities that are undertaken by a State employee on a voluntary basis as permitted by law.

(f) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of State employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

Section 5-20. Public service announcements.

(a) Except as otherwise provided in this Section, no public service announcement or advertisement that is on behalf of any State administered program and that contains the image or voice of any executive branch constitutional officer or member of the General Assembly shall be broadcast or aired on radio or television or printed in a newspaper at

any time on or after the date that the officer or member files his or her nominating petitions for public office and for any time thereafter that the officer or member remains a candidate for any office.

(b) This Section does not apply to communications funded through expenditures required to be reported under Article 9 of the Election Code.

Section 5-30. Prohibited offer or promise. An officer or employee of the executive or legislative branch or a candidate for an executive or legislative branch office may not promise anything of value related to State government, including but not limited to positions in State government, promotions, or salary increases, in consideration for a contribution to a political committee, political party, or other entity that has as one of its purposes the financial support of a candidate for elective office.

Nothing in this Section prevents the making or accepting of voluntary contributions otherwise in accordance with law.

Section 5-35. Contributions on State property. Contributions shall not be intentionally solicited, accepted, offered, or made on State property by public officials, by State employees, by candidates for elective office, by persons required to be registered under the Lobbyist Registration Act, or by any officers, employees, or agents of any political organization, except as provided in this Section. For purposes of this Section, "State property" means any building or portion thereof owned or exclusively leased by the State or any State agency at the time the contribution is solicited, offered, accepted, or made. "State property" does not however, include any portion of a building that is rented or leased from the State or any State agency by a private person or entity.

An inadvertent solicitation, acceptance, offer, or making of a contribution is not a violation of this Section so long as reasonable and timely action is taken to return the contribution to its source.

The provisions of this Section do not apply to the residences of State officers and employees, except that no fundraising events shall be held at residences owned by the State or paid for, in whole or in part, with State funds.

Section 5-40. Fundraising in Sangamon County. Except as provided in this Section, any executive branch constitutional officer, any candidate for an executive branch constitutional office, any member of the General Assembly, any candidate for the General Assembly, any political caucus of the General Assembly, or any political committee on behalf of any of the foregoing may not hold a fundraising function in Sangamon County on any day the legislature is in session (i) during the period beginning February 1 and ending on the later of the actual adjournment dates of either house of the spring session and (ii) during fall veto session. For purposes of this Section, the legislature is not considered to be in session on a day that is solely a perfunctory session day or on a day when only a committee is meeting.

During the period beginning June 1 and ending on the first day of fall veto session each year, this Section does not apply to (i) a member of the General Assembly whose legislative or representative district is entirely within Sangamon County or (ii) a candidate for the General Assembly from that legislative or representative district.

Section 5-45. Procurement; revolving door prohibition.

(a) No former State employee may, within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees

for services from an employer if the employee, during the year immediately preceding termination of State employment, and on behalf of the State or State agency, negotiated in whole or in part one or more contracts with that employer aggregating \$25,000 or more.

(b) The requirements of this Section may be waived by the appropriate ultimate jurisdictional authority of the former State employee if that ultimate jurisdictional authority finds in writing that the State's negotiations and decisions regarding the procurement of the contract or contracts were not materially affected by any potential for employment of that employee by the employer.

(c) This Section applies only to persons who terminate an affected position on or after the effective date of this Act.

## ARTICLE 15

### WHISTLE BLOWER PROTECTION

Section 15-5. Definitions. In this Article:

"Public body" means (1) any officer, member, or State agency; (2) the federal government; (3) any local law enforcement agency or prosecutorial office; (4) any federal or State judiciary, grand or petit jury, law enforcement agency, or prosecutorial office; and (5) any officer, employee, department, agency, or other division of any of the foregoing.

"Supervisor" means an officer, a member, or a State employee who has the authority to direct and control the work performance of a State employee or who has authority to take corrective action regarding any violation of a law, rule, or regulation of which the State employee complains.

"Retaliatory action" means the reprimand, discharge, suspension, demotion, or denial of promotion or transfer of

any State employee in the terms and conditions of employment, and that is taken in retaliation for a State employee's involvement in protected activity, as set forth in Section 15-10.

Section 15-10. Protected activity. An officer, a member, or a State agency shall not take any retaliatory action against a State employee because the State employee does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation.

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency, or other State employee.

(3) Assists or participates in a proceeding to enforce the provisions of this Act.

Section 15-20. Burden of proof. A violation of this Article may be established only upon a finding that (i) the State employee engaged in conduct described in Section 15-10 and (ii) that conduct was a contributing factor in the retaliatory action alleged by the State employee. It is not a violation, however, if it is demonstrated that the officer, member, other State employee, or State agency would have taken the same unfavorable personnel action in the absence of that conduct.

Section 15-25. Remedies. The State employee may be awarded all remedies necessary to make the State employee whole and to prevent future violations of this Article.

Remedies imposed by the court may include, but are not limited to, all of the following:

- (1) reinstatement of the employee to either the same position held before the retaliatory action or to an equivalent position;
- (2) 2 times the amount of back pay;
- (3) interest on the back pay; and
- (4) the reinstatement of full fringe benefits and seniority rights.

Section 15-35. Preemption. Nothing in this Article shall be deemed to diminish the rights, privileges, or remedies of a State employee under any other federal or State law, rule, or regulation or under any collective bargaining agreement or employment contract.

#### ARTICLE 50

##### PENALTIES

Section 50-5. Penalties.

(a) A person is guilty of a Class A misdemeanor if that person intentionally violates any provision of Section 5-15, 5-30, 5-40, or 5-45 or Article 15.

(b) A person who intentionally violates any provision of Section 5-20 or Section 5-35 is guilty of a business offense subject to a fine of at least \$1,001 and up to \$5,000.

(c) In addition to any other penalty that may apply, whether criminal or civil, a director, a supervisor, or a State employee who intentionally violates any provision of Section 5-15, 5-20, 5-30, 5-35, or 5-40 or Article 15 is subject to discipline or discharge by the appropriate ultimate jurisdictional authority.

#### ARTICLE 70

GOVERNMENTAL ENTITIES

Section 70-5. Adoption by governmental entities.

(a) Within 6 months after the effective date of this Act, each governmental entity shall adopt an ordinance or resolution that regulates, in a manner no less restrictive than Section 5-15 of this Act, the political activities of officers and employees of the governmental entity.

(b) The Attorney General shall develop model ordinances and resolutions for the purpose of this Article and shall advise governmental entities on their contents and adoption.

(c) As used in this Article, (i) an "officer" means an elected or appointed official; regardless of whether the official is compensated, and (ii) an "employee" means a full-time, part-time, or contractual employee.

Section 70-10. Penalties. A governmental entity may provide in the ordinance or resolution required by this Article for penalties similar to those provided in this Act for similar conduct.

Section 70-15. Home rule preemption. This Article is a denial and limitation of home rule powers and functions in accordance with subsection (i) of Section 6 of Article VII of the Illinois Constitution. A home rule unit may not regulate the political activities of its officers and employees in a manner less restrictive than the provisions of this Act.

ARTICLE 90

AMENDATORY PROVISIONS

Section 90-3. The Illinois Administrative Procedure Act is amended by adding Section 5-165 as follows:

(5 ILCS 100/5-165 new)

Sec. 5-165. Ex parte communications in rulemaking.

(a) Notwithstanding any law to the contrary, this Section applies to ex parte communications made during the rulemaking process.

(b) "Ex parte communication" means any written or oral communication by any person required to be registered under the Lobbyist Registration Act to an agency, agency head, administrative law judge, or other agency employee during the rulemaking period that imparts material information or argument regarding potential action concerning general, emergency, or peremptory rulemaking under this Act. For purposes of this Section, the rulemaking period begins upon the commencement of the first notice period with respect to general rulemaking under Section 5-40, upon the filing of a notice of emergency rulemaking under Section 5-45, or upon the filing of a notice of rulemaking with respect to peremptory rulemaking under Section 5-50. "Ex parte communication" does not include the following: (i) statements by a person publicly made in a public forum; (ii) statements regarding matters of procedure and practice, such as the format of public comments, the number of copies required, the manner of filing such comments, and the status of a rulemaking proceeding; and (iii) statements made by a State official or State employee.

(c) An ex parte communication received by any agency head, agency employee, or administrative law judge shall be made a part of the record of the rulemaking proceeding, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received. The disclosure shall also contain the date of any ex parte communication.

(5 ILCS 320/Act rep.)

Section 90-6. The State Employees Political Activity Act is repealed on the effective date of the State Officials and Employees Ethics Act.

Section 90-7. The Illinois Governmental Ethics Act is amended by adding Article 3A as follows:

(5 ILCS 420/Art. 3A heading new)

ARTICLE 3A

GOVERNMENTAL APPOINTEES

(5 ILCS 420/3A-5 new)

Sec. 3A-5. Definitions. As used in this Article:

"Late term appointee" means a person who is appointed to an office by a Governor who does not succeed himself or herself as Governor, whose appointment requires the advice and consent of the Senate, and whose appointment is confirmed by the Senate 90 or fewer days before the end of the appointing Governor's term.

"Succeeding Governor" means the Governor in office immediately after a Governor who appoints a late term appointee.

(5 ILCS 420/3A-10 new)

Sec. 3A-10. Late term appointee's term of office. A late term appointee shall serve no longer than the sixtieth day of the term of office of the succeeding Governor.

(5 ILCS 420/3A-15 new)

Sec. 3A-15. Vacancy created. Upon the earlier of the resignation of a late term appointee or the conclusion of the sixtieth day of the term of the succeeding Governor, that appointed office shall be considered vacant. The succeeding

Governor may then make an appointment to fill that vacancy, regardless of whether the statute that creates the appointed office provides for appointment to fill a vacancy. All other requirements of law applicable to that appointed office shall apply to the succeeding Governor's appointee, including but not limited to eligibility, qualifications, and confirmation by the Senate.

(5 ILCS 420/3A-20 new)

Sec. 3A-20. Term of appointee. The term of office of an appointee filling a vacancy created under Section 3A-15 shall be the term of any appointee filling a vacancy as provided by the statute that creates the appointed office. If the statute that creates the appointed office does not specify the term to be served by an appointee filling a vacancy, the term of the appointee shall be for the remainder of the term the late term appointee would have otherwise been entitled to fill.

(5 ILCS 420/3A-25 new)

Sec. 3A-25. Reappointment. Nothing in this Article prohibits a succeeding Governor from reappointing an otherwise qualified late term appointee to fill the vacancy created under Section 3A-15.

(5 ILCS 420/3A-30 new)

Sec. 3A-30. Disclosure.

(a) Upon appointment to a board, commission, authority, or task force authorized or created by State law, a person must file with the Secretary of State a disclosure of all contracts the person or his or her spouse or immediate family members living with the person have with the State and all contracts between the State and any entity in which the person or his or her spouse or immediate family members

living with the person have a majority financial interest.

(b) Violation of this Section is a business offense punishable by a fine of \$1,001.

(c) The Secretary of State must adopt rules for the implementation and administration of this Section. Disclosures filed under this Section are public records.

(5 ILCS 420/3A-35 new)

Sec. 3A-35. Conflicts of interests.

(a) In addition to the provisions of subsection (a) of Section 50-13 of the Illinois Procurement Code, it is unlawful for an appointed member of a board, commission, authority, or task force authorized or created by State law or by executive order of the Governor, the spouse of the appointee, or an immediate family member of the appointee living in the appointee's residence to have or acquire a contract or have or acquire a direct pecuniary interest in a contract with the State that relates to the board, commission, authority, or task force of which he or she is an appointee during and for one year after the conclusion of the person's term of office.

(b) If (i) a person subject to subsection (a) is entitled to receive more than 7 1/2% of the total distributable income of a partnership, association, corporation, or other business entity or (ii) a person subject to subsection (a) together with his or her spouse and immediate family members living in that person's residence are entitled to receive more than 15%, in the aggregate, of the total distributable income of a partnership, association, corporation, or other business entity then it is unlawful for that partnership, association, corporation, or other business entity to have or acquire a contract or a direct pecuniary interest in a contract prohibited by subsection (a) during and for one year after the conclusion of the person's term of

office.

Section 90-10. The Election Code is amended by changing Sections 9-1.5, 9-3, 9-4, 9-8.10, 9-8.15, 9-9.5, 9-10, 9-23, and 9-27.5 and by adding Sections 9-1.14 and 9-30 as follows:

(10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

Sec. 9-1.5. Expenditure defined

"Expenditure" means-

(1) a payment, distribution, purchase, loan, advance, deposit, or gift of money or anything of value, in connection with the nomination for election, or election, of any person to public office, in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population, or in connection with any question of public policy.

"Expenditure" also includes a payment, distribution, purchase, loan, advance, deposit, or gift of money or anything of value that constitutes an electioneering communication regardless of whether the communication is made in concert or cooperation with or at the request, suggestion, or knowledge of the candidate, the candidate's authorized local political committee, a State political committee, or any of their agents. However, expenditure does not include -

(a) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period;

(b) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than

the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

(2) a transfer of funds between political committees.

(Source: P.A. 89-405, eff. 11-8-95.)

(10 ILCS 5/9-1.14 new)

Sec. 9-1.14. Electioneering communication defined.

(a) "Electioneering communication" means, for the purposes of this Article, any form of communication, in whatever medium, including but not limited to, newspaper, radio, television, or Internet communications, that refers to a clearly identified candidate, candidates, or political party and is made within (i) 60 days before a general election for the office sought by the candidate or (ii) 30 days before a general primary election for the office sought by the candidate.

(b) "Electioneering communication" does not include:

(1) A communication, other than an advertisement, appearing in a news story, commentary, or editorial distributed through the facilities of any legitimate news organization, unless the facilities are owned or controlled by any political party, political committee, or candidate.

(2) A communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring the debate or forum.

(3) A communication made as part of a non-partisan activity designed to encourage individuals to vote or to register to vote.

(4) A communication by an organization operating and remaining in good standing under Section 501(c)(3) of the Internal Revenue Code of 1986.

(10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

Sec. 9-3. Every state political committee and every local political committee shall file with the State Board of Elections, and every local political committee shall file with the county clerk, a statement of organization within 10 business days of the creation of such committee, except any political committee created within the 30 days before an election shall file a statement of organization within 5 business days. A political committee that acts as both a state political committee and a local political committee shall file a copy of each statement of organization with the State Board of Elections and the county clerk. The Board shall impose a civil penalty of \$25 per business day upon political committees for failing to file or late filing of a statement of organization, except that for committees formed to support candidates for statewide office, the civil penalty shall be \$50 per business day. Such penalties shall not exceed \$5,000, and shall not exceed \$10,000 for statewide office political committees. There shall be no fine if the statement is mailed and postmarked at least 72 hours prior to the filing deadline.

In addition to the civil penalties authorized by this Section, the State Board of Elections or any other affected political committee may apply to the circuit court for a temporary restraining order or a preliminary or permanent injunction against the political committee to cease the expenditure of funds and to cease operations until the statement of organization is filed.

For the purpose of this Section, "statewide office" means the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, and State Comptroller.

The statement of organization shall include -

(a) the name and address of the political committee (the name of the political committee must include the name of any

sponsoring entity);

(b) the scope, area of activity, party affiliation, candidate affiliation and his county of residence, and purposes of the political committee;

(c) the name, address, and position of each custodian of the committee's books and accounts;

(d) the name, address, and position of the committee's principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any;

(e) (Blank);

(f) a statement of what specific disposition of residual fund will be made in the event of the dissolution or termination of the committee;

(g) a listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee;

(h) the amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization.

For purposes of this Section, a "sponsoring entity" is (i) any person, political committee, organization, corporation, or association that contributes at least 33% of the total funding of the political committee or (ii) any person or other entity that is registered or is required to register under the Lobbyist Registration Act and contributes at least 33% of the total funding of the political committee. (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

(10 ILCS 5/9-4) (from Ch. 46, par. 9-4)

Sec. 9-4. The statement of organization required by this Article to be filed in accordance with Section 9-3 shall be verified, dated, and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made, and shall contain

substantially the following:

STATEMENT OF ORGANIZATION

(a) name and address of the political committee:

.....

(b) scope, area of activity, party affiliation, candidate affiliation and his county of residence, and purposes of the political committee:

.....  
.....  
.....  
.....

(c) name, address, and position of each custodian of the committee's books and accounts:

.....  
.....

(d) name, address, and position of the committee's principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any:

.....  
.....  
.....

(e) a statement of what specific disposition of residual funds will be made in the event of the dissolution or termination of the committee:

.....  
.....

(f) a listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee:

.....  
.....

(g) the amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization:

.....

VERIFICATION:

"I declare that this statement of organization (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of organization as required by Article 9 of The Election Code. I understand that ~~the penalty for~~ willfully filing a false or incomplete statement is a business offense subject to a fine of at least \$1,001 and up to \$5,000 ~~shall be a fine not to exceed \$500 or imprisonment in a penal institution other than the penitentiary not to exceed 6 months, or both fine and imprisonment.~~"

.....

(date of filing) (signature of person making the statement)

(Source: P.A. 90-495, eff. 1-1-98.)

(10 ILCS 5/9-8.10)

Sec. 9-8.10. Use of political committee and other reporting organization funds.

(a) A political committee, or organization subject to Section 9-7.5, shall not make expenditures:

(1) In violation of any law of the United States or of this State.

(2) Clearly in excess of the fair market value of the services, materials, facilities, or other things of value received in exchange.

(3) For satisfaction or repayment of any debts other than loans made to the committee or to the public official or candidate on behalf of the committee or repayment of goods and services purchased by the committee under a credit agreement. Nothing in this Section authorizes the use of campaign funds to repay personal loans. The repayments shall be made by check written to the person who made the loan or credit

agreement. The terms and conditions of any loan or credit agreement to a committee shall be set forth in a written agreement, including but not limited to the method and amount of repayment, that shall be executed by the chairman or treasurer of the committee at the time of the loan or credit agreement. The loan or agreement shall also set forth the rate of interest for the loan, if any, which may not substantially exceed the prevailing market interest rate at the time the agreement is executed.

(4) For the satisfaction or repayment of any debts or for the payment of any expenses relating to a personal residence. Campaign funds may not be used as collateral for home mortgages.

(5) For clothing or personal laundry expenses, except clothing items rented by the public official or candidate for his or her own use exclusively for a specific campaign-related event, provided that committees may purchase costumes, novelty items, or other accessories worn primarily to advertise the candidacy.

(6) For the travel expenses of any person unless the travel is necessary for fulfillment of political, governmental, or public policy duties, activities, or purposes.

(7) For membership or club dues charged by organizations, clubs, or facilities that are primarily engaged in providing health, exercise, or recreational services; provided, however, that funds received under this Article may be used to rent the clubs or facilities for a specific campaign-related event.

(8) In payment for anything of value or for reimbursement of any expenditure for which any person has been reimbursed by the State or any person. For purposes of this item (8), a per diem allowance is not a

reimbursement.

(9) For the purchase of or installment payment for a motor vehicle unless the political committee can demonstrate that purchase of a motor vehicle is more cost-effective than leasing a motor vehicle as permitted under this item (9). A political committee may lease or purchase and insure, maintain, and repair a motor vehicle if the vehicle will be used primarily for campaign purposes or for the performance of governmental duties. A committee shall not make expenditures for use of the vehicle for non-campaign or non-governmental purposes. Persons using vehicles not purchased or leased by a political committee may be reimbursed for actual mileage for the use of the vehicle for campaign purposes or for the performance of governmental duties. The mileage reimbursements shall be made at a rate not to exceed the standard mileage rate method for computation of business expenses under the Internal Revenue Code.

(10) Directly for an individual's tuition or other educational expenses, except for governmental or political purposes directly related to a candidate's or public official's duties and responsibilities.

(11) For payments to a public official or candidate or his or her family member unless for compensation for services actually rendered by that person. The provisions of this item (11) do not apply to expenditures by a political committee in an aggregate amount not exceeding the amount of funds reported to and certified by the State Board or county clerk as available as of June 30, 1998, in the semi-annual report of contributions and expenditures filed by the political committee for the period concluding June 30, 1998.

(b) The Board shall have the authority to investigate, upon receipt of a verified complaint, violations of the

provisions of this Section. The Board may levy a fine on any person who knowingly makes expenditures in violation of this Section and on any person who knowingly makes a malicious and false accusation of a violation of this Section. The Board may act under this subsection only upon the affirmative vote of at least 5 of its members. The fine shall not exceed \$500 for each expenditure of \$500 or less and shall not exceed the amount of the expenditure plus \$500 for each expenditure greater than \$500. The Board shall also have the authority to render rulings and issue opinions relating to compliance with this Section.

(c) Nothing in this Section prohibits the expenditure of funds of (i) a political committee controlled by an officeholder or by a candidate or (ii) an organization subject to Section 9-7.5 to defray the ordinary and necessary expenses of an officeholder in connection with the performance of governmental duties. For the purposes of this subsection, "ordinary and necessary expenses" include, but are not limited to, expenses in relation to the operation of the district office of a member of the General Assembly.

(Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-8.15)

Sec. 9-8.15. Contributions on State property. In addition to any other provision of this Code, the solicitation, acceptance, offer, and making of contributions on State property by public officials, State employees, candidates for elective office, and others are subject to the State Officials and Employees Ethics Act. If a political committee receives and retains a contribution that is in violation of Section 5-35 of the State Officials and Employees Ethics Act, then the State Board may impose a civil penalty upon that political committee in an amount equal to 100% of that contribution. Contributions--shall--not--be

knowingly-offered-or-accepted--on--a--face-to-face--basis--by  
public--officials--or--employees--or--by--candidates-on-State  
property-except-as-provided-in-this-Section.

Contributions-may-be-solicited,-offered,-or--accepted--on  
State-property-on-a-face-to-face-basis-by-public-officials-or  
employees--or--by-candidates-at-a-fundraising-event-for-which  
the-State-property-is-leased-or-rented.

Anyone-who-knowingly-offers-or-accepts--contributions--on  
State--property--in--violation-of-this-Section-is-guilty-of-a  
business-offense-subject-to-a-fine-of-\$5,000,-except-that-for  
contributions-offered-or--accepted--for--State--officers--and  
candidates--and--political--committees--formed--for-statewide  
office,-the-fine-shall-not-exceed-\$10,000.--For--the--purpose  
of-this-Section,-"statewide-office"-and-"State-officer"-means  
the---Governor,-Lieutenant---Governor,-Attorney--General,  
Secretary-of-State,-Comptroller,-and-Treasurer.

(Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-9.5)

Sec. 9-9.5. Disclosures in political communications  
Disclosure--on-political-literature. Any political committee,  
organized under the Election Code, that makes an expenditure  
for a pamphlet, circular, handbill, radio, television, or  
print advertisement, or other communication directed at  
voters and mentioning the name of a candidate in the next  
upcoming election shall ensure that the name of the political  
committee paying for any part of the communication,  
including, but not limited to, its preparation and  
distribution, is identified clearly within the communication  
as the payor. This Section does not apply to items that are  
too small to contain the required disclosure. Any-pamphlet,  
circular,-handbill,-advertisement,-or--other--political  
literature--that--supports--or--opposes--any-public-official,  
candidate-for-public-office,-or-question-of-public-policy,-or

~~that would have the effect of supporting or opposing any public official, candidate for public office, or question of public policy, shall contain the name of the individual or organization that authorized, caused to be authorized, paid for, caused to be paid for, or distributed the pamphlet, circular, handbill, advertisement, or other political literature. If the individual or organization includes an address, it must be an actual personal or business address of the individual or business address of the organization.~~

(Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

Sec. 9-10. Financial reports.

(a) The treasurer of every state political committee and the treasurer of every local political committee shall file with the Board, and the treasurer of every local political committee shall file with the county clerk, reports of campaign contributions, and semi-annual reports of campaign contributions and expenditures on forms to be prescribed or approved by the Board. The treasurer of every political committee that acts as both a state political committee and a local political committee shall file a copy of each report with the State Board of Elections and the county clerk. Entities subject to Section 9-7.5 shall file reports required by that Section at times provided in this Section and are subject to the penalties provided in this Section.

(b) Reports of campaign contributions shall be filed no later than the 15th day next preceding each election including a primary election in connection with which the political committee has accepted or is accepting contributions or has made or is making expenditures. Such reports shall be complete as of the 30th day next preceding each election including a primary election. The Board shall assess a civil penalty not to exceed \$5,000 for a violation

of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed \$10,000. The fine, however, shall not exceed \$500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer. However, a continuing political committee that neither accepts contributions nor makes expenditures on behalf of or in opposition to any candidate or public question on the ballot at an election shall not be required to file the reports heretofore prescribed but may file in lieu thereof a Statement of Nonparticipation in the Election with the Board or the Board and the county clerk.

(b-5) Notwithstanding the provisions of subsection (b) and Section 1.25 of the Statute on Statutes, any contribution of more than \$500 ~~or more~~ received in the interim between the last date of the period covered by the last report filed under subsection (b) prior to the election and the date of the election shall be filed with and must actually be received by the State Board of Elections reported within 2 business days after its receipt of such contribution. The State Board shall allow filings of reports of contributions of more than \$500 under this subsection (b-5) by political committees that are not required to file electronically to be made by facsimile transmission. For the purpose of this subsection, a contribution is considered received on the date the public official, candidate, or political committee (or equivalent person in the case of a reporting entity other than a political committee) actually receives it or, in the case of goods or services, 2 business days after the date the

public official, candidate, committee, or other reporting entity receives the certification required under subsection (b) of Section 9-6. Failure to report each contribution is a separate violation of this subsection. In the final disposition of any matter by the Board on or after the effective date of this amendatory Act of the 93rd General Assembly, the Board ~~may~~ shall impose fines for violations of this subsection not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported. When considering the amount of the fine to be imposed, the Board shall consider, but is not limited to, the following factors:

(1) whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly, or intentionally;

(2) the number of days the contribution was reported late; and

(3) past violations of Sections 9-3 and 9-10 of this Article by the committee. as follows:

~~(1)--if-the-political-committee's-or-other-reporting entity's-total-receipts,-total-expenditures,-and--balance remaining--at--the--end-of-the-last-reporting-period-were each-\$5,000-or-less,-then-\$100-per-business-day--for--the first--violation,-\$200--per--business-day-for-the-second violation,-and-\$300-per-business-day-for--the--third--and subsequent-violations-~~

~~(2)--if-the-political-committee's-or-other-reporting entity's--total-receipts,-total-expenditures,-and-balance remaining-at-the-end-of-the-last--reporting--period--were each-more-than-\$5,000,-then-\$200-per-business-day-for-the first--violation,-\$400--per--business-day-for-the-second violation,-and-\$600-per-business-day-for--the--third--and subsequent-violations-~~

(c) In addition to such reports the treasurer of every political committee shall file semi-annual reports of campaign contributions and expenditures no later than July 31st, covering the period from January 1st through June 30th immediately preceding, and no later than January 31st, covering the period from July 1st through December 31st of the preceding calendar year. Reports of contributions and expenditures must be filed to cover the prescribed time periods even though no contributions or expenditures may have been received or made during the period. The Board shall assess a civil penalty not to exceed \$5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed \$10,000. The fine, however, shall not exceed \$500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

(d) A copy of each report or statement filed under this Article shall be preserved by the person filing it for a period of two years from the date of filing.

(Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-23) (from Ch. 46, par. 9-23)

Sec. 9-23. Whenever the Board, pursuant to Section 9-21, has issued an order, or has approved a written stipulation, agreed settlement or consent order, directing a person determined by the Board to be in violation of any provision of this Article or any regulation adopted thereunder, to cease or correct such violation or otherwise comply with this Article and such person fails or refuses to comply with such

order, stipulation, settlement or consent order within the time specified by the Board, the Board, after affording notice and an opportunity for a public hearing, may impose a civil penalty on such person in an amount not to exceed \$5,000; except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed \$10,000. For the purpose of this Section, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

Civil penalties imposed on any such person by the Board shall be enforceable in the Circuit Court. The Board shall petition the Court for an order to enforce collection of the penalty and, if the Court finds it has jurisdiction over the person against whom the penalty was imposed, the Court shall issue the appropriate order. Any civil penalties collected by the Court shall be forwarded to the State Treasurer.

In addition to or in lieu of the imposition of a civil penalty, the board may report such violation and the failure or refusal to comply with the order of the Board to the Attorney General and the appropriate State's Attorney.

~~The name of a person who has not paid a civil penalty imposed against him or her under this Section shall not appear upon any ballot for any office in any election while the penalty is unpaid.~~

(Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-27.5)

Sec. 9-27.5. Fundraising in Sangamon County within 50 miles of Springfield. In addition to any other provision of this Code, fundraising events in Sangamon County by certain executive branch officers and candidates, legislative branch members and candidates, political caucuses, and political committees are subject to the State Officials and Employees

Ethics Act. If a political committee receives and retains a contribution that is in violation of Section 5-40 of the State Officials and Employees Ethics Act, then the State Board may impose a civil penalty upon that political committee in an amount equal to 100% of that contribution.  
Except-as-provided-in--this--Section,--any--executive--branch constitutional-officer,--any-candidate-for-an-executive-branch constitutional--office,--any--member-of-the-General-Assembly, any-candidate-for-the-General-Assembly,--any-political--caucus of-the-General-Assembly,--or-any-political-committee-on-behalf of--any--of-the-foregoing-may-not-hold-a-fundraising-function in--or--within--50--miles--of--Springfield--on--any--day--the legislature-is-in-session-(i)-during-the-period-beginning--90 days--before-the-later-of-the-dates-scheduled-by-either-house of-the-General-Assembly-for-the--adjournment--of--the--spring session--and--ending--on--the-later-of-the-actual-adjournment dates-of-either-house-of-the-spring-session-and--(ii)--during fall---veto--session.--For--purposes--of--this--Section,--the legislature-is-not-considered-to-be-in-session-on-a-day--that is--solely--a-perfunctory-session-day-or-on-a-day-when-only-a committee-is-meeting.

This-Section-does-not--apply--to--members--and--political committees-of-members-of-the-General-Assembly-whose-districts are--located,--in--whole-or-in-part,--in-or-within-50-miles-of Springfield--and--candidates--and--political--committees---of candidates--for--the-General-Assembly-from-districts-located, in-whole-or-in-part,--in-or-within-50--miles--of--Springfield, provided-that-the-fundraising-function-takes-place-within-the member's-or-candidate's-district.

(Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-30 new)

Sec. 9-30. Ballot forfeiture. The name of a person who has not paid a civil penalty imposed against him or her under

this Article shall not appear upon any ballot for any office in any election while the penalty is unpaid.

Section 90-11. The Personnel Code is amended by changing Section 8b.6 as follows:

(20 ILCS 415/8b.6) (from Ch. 127, par. 63b108b.6)

Sec. 8b.6. For a period of probation not to exceed one year before appointment or promotion is complete, and during which period a probationer may with the consent of the Director of Central Management Services, be discharged or reduced in class or rank, or replaced on the eligible list. For a person appointed to a term appointment under Section 8b.18 or 8b.19, the period of probation shall not be less than 6 months.

(Source: P.A. 82-789.)

Section 90-12. The General Assembly Operations Act is amended by changing Sections 4 and 5 as follows:

(25 ILCS 10/4) (from Ch. 63, par. 23.4)

Sec. 4. Senate Operations Commission.

(a) There is created a Senate Operations Commission to consist of the following: The President of the Senate, 3 Assistant Majority Leaders, the Minority Leader, one Assistant Minority Leader, and one member of the Senate appointed by the President of the Senate. The Senate Operations Commission shall have the following powers and duties: Commission shall have responsibility for the operation of the Senate in relation to the Senate Chambers, Senate offices, committee rooms and all other rooms and physical facilities used by the Senate, all equipment, furniture, and supplies used by the Senate. The Commission shall have the authority to hire all professional staff and

employees necessary for the proper operation of the Senate and authority to receive and expend appropriations for the purposes set forth in this Act whether the General Assembly be in session or not. Professional staff and employees may be employed as full-time employees, part-time employees, or contractual employees. The Secretary of the Senate shall serve as Secretary and Administrative Officer of the Commission. Pursuant to the policies and direction of the Commission, he shall have direct supervision of all equipment, furniture, and supplies used by the Senate.

(b) The Senate Operations Commission shall adopt and implement personnel policies for professional staff and employees under its jurisdiction and control as required by the State Officials and Employees Ethics Act.

(Source: P.A. 78-7.)

(25 ILCS 10/5) (from Ch. 63, par. 23.5)

Sec. 5. Speaker of the House; operations, employees, and expenditures.

(a) The Speaker of the House of Representatives shall have responsibility for the operation of the House in relation to the House Chambers, House offices, committee rooms and all other rooms and physical facilities used by the House, all equipment, furniture, and supplies used by the House. The Speaker of the House of Representatives shall have the authority to hire all professional staff and employees necessary for the proper operation of the House. Professional staff and employees may be employed as full-time employees, part-time employees, or contractual employees. The Speaker of the House of Representatives shall have the authority to receive and expend appropriations for the purposes set forth in this Act whether the General Assembly be in session or not.

(b) The Speaker of the House of Representatives shall

adopt and implement personnel policies for professional staff and employees under his or her jurisdiction and control as required by the State Officials and Employees Ethics Act.

(Source: Laws 1967, p. 1214.)

Section 90-15. The General Assembly Compensation Act is amended by changing Section 4 as follows:

(25 ILCS 115/4) (from Ch. 63, par. 15.1)

Sec. 4. Office allowance. Beginning July 1, 2001, each member of the House of Representatives is authorized to approve the expenditure of not more than \$61,000 per year and each member of the Senate is authorized to approve the expenditure of not more than \$73,000 per year to pay for "personal services", "contractual services", "commodities", "printing", "travel", "operation of automotive equipment", "telecommunications services", as defined in the State Finance Act, and the compensation of one or more legislative assistants authorized pursuant to this Section, in connection with his or her legislative duties and not in connection with any political campaign. On July 1, 2002 and on July 1 of each year thereafter, the amount authorized per year under this Section for each member of the Senate and each member of the House of Representatives shall be increased by a percentage increase equivalent to the lesser of (i) the increase in the designated cost of living index or (ii) 5%. The designated cost of living index is the index known as the "Employment Cost Index, Wages and Salaries, By Occupation and Industry Groups: State and Local Government Workers: Public Administration" as published by the Bureau of Labor Statistics of the U.S. Department of Labor for the calendar year immediately preceding the year of the respective July 1st increase date. The increase shall be added to the then current amount, and the adjusted amount so determined shall

be the annual amount beginning July 1 of the increase year until July 1 of the next year. No increase under this provision shall be less than zero.

A member may purchase office equipment if the member certifies to the Secretary of the Senate or the Clerk of the House, as applicable, that the purchase price, whether paid in lump sum or installments, amounts to less than would be charged for renting or leasing the equipment over its anticipated useful life. All such equipment must be purchased through the Secretary of the Senate or the Clerk of the House, as applicable, for proper identification and verification of purchase.

Each member of the General Assembly is authorized to employ one or more legislative assistants, who shall be solely under the direction and control of that member, for the purpose of assisting the member in the performance of his or her official duties. A legislative assistant may be employed pursuant to this Section as a full-time employee, part-time employee, or contractual employee either-under ~~contract-or-as-a-State-employee~~, at the discretion of the member. If employed as a State employee, a legislative assistant shall receive employment benefits on the same terms and conditions that apply to other employees of the General Assembly. Each member shall adopt and implement personnel policies for legislative assistants under his or her direction and control relating to work time requirements, documentation for reimbursement for travel on official State business, compensation, and the earning and accrual of State benefits for those legislative assistants who may be eligible to receive those benefits. The policies shall also require legislative assistants to periodically submit time sheets documenting, in quarter-hour increments, the time spent each day on official State business. The policies shall require the time sheets to be submitted on paper, electronically, or

both and to be maintained in either paper or electronic format by the applicable fiscal office for a period of at least 2 years. Contractual employees may satisfy the time sheets requirement by complying with the terms of their contract, which shall provide for a means of compliance with this requirement. A member may satisfy the requirements of this paragraph by adopting and implementing the personnel policies promulgated by that member's legislative leader under the State Officials and Employees Ethics Act with respect to that member's legislative assistants.

As used in this Section the term "personal services" shall include contributions of the State under the Federal Insurance Contribution Act and under Article 14 of the Illinois Pension Code. As used in this Section the term "contractual services" shall not include improvements to real property unless those improvements are the obligation of the lessee under the lease agreement. Beginning July 1, 1989, as used in the Section, the term "travel" shall be limited to travel in connection with a member's legislative duties and not in connection with any political campaign. Beginning on the effective date of this amendatory Act of the 93rd General Assembly July-17-1989, as used in this Section, the term "printing" includes, but is not limited to, newsletters, brochures, certificates, congratulatory mailings, including but--not--limited--to greeting or welcome messages, anniversary or birthday cards, and congratulations for prominent achievement cards. As used in this Section, the term "printing" includes fees for non-substantive resolutions charged by the Clerk of the House of Representatives under subsection (c-5) of Section 1 of the Legislative Materials Act. No newsletter or brochure that is paid for, in whole or in part, with funds provided under this Section may be printed or mailed during a period beginning February 1 of the year of a general primary election and ending the day after

the general primary election and during a period beginning September 1 of the year of a general election and ending the day after the general election. Nothing in this Section shall be construed to authorize expenditures for lodging and meals while a member is in attendance at sessions of the General Assembly.

Any utility bill for service provided to a member's district office for a period including portions of 2 consecutive fiscal years may be paid from funds appropriated for such expenditure in either fiscal year.

If a vacancy occurs in the office of Senator or Representative in the General Assembly, any office equipment in the possession of the vacating member shall transfer to the member's successor; if the successor does not want such equipment, it shall be transferred to the Secretary of the Senate or Clerk of the House of Representatives, as the case may be, and if not wanted by other members of the General Assembly then to the Department of Central Management Services for treatment as surplus property under the State Property Control Act. Each member, on or before June 30th of each year, shall conduct an inventory of all equipment purchased pursuant to this Act. Such inventory shall be filed with the Secretary of the Senate or the Clerk of the House, as the case may be. Whenever a vacancy occurs, the Secretary of the Senate or the Clerk of the House, as the case may be, shall conduct an inventory of equipment purchased.

In the event that a member leaves office during his or her term, any unexpended or unobligated portion of the allowance granted under this Section shall lapse. The vacating member's successor shall be granted an allowance in an amount, rounded to the nearest dollar, computed by dividing the annual allowance by 365 and multiplying the quotient by the number of days remaining in the fiscal year.

From any appropriation for the purposes of this Section for a fiscal year which overlaps 2 General Assemblies, no more than 1/2 of the annual allowance per member may be spent or encumbered by any member of either the outgoing or incoming General Assembly, except that any member of the incoming General Assembly who was a member of the outgoing General Assembly may encumber or spend any portion of his annual allowance within the fiscal year.

The appropriation for the annual allowances permitted by this Section shall be included in an appropriation to the President of the Senate and to the Speaker of the House of Representatives for their respective members. The President of the Senate and the Speaker of the House shall voucher for payment individual members' expenditures from their annual office allowances to the State Comptroller, subject to the authority of the Comptroller under Section 9 of the State Comptroller Act.

(Source: P.A. 90-569, eff. 1-28-98; 91-952, eff. 7-1-01.)

Section 90-20. The Legislative Commission Reorganization Act of 1984 is amended by adding Section 9-2.5 as follows:

(25 ILCS 130/9-2.5 new)

Sec. 9-2.5. Newsletters and brochures. The Legislative Printing Unit may not print for any member of the General Assembly any newsletters or brochures during the period beginning February 1 of the year of a general primary election and ending the day after the general primary election and during a period beginning September 1 of the year of a general election and ending the day after the general election. A member of the General Assembly may not mail, during a period beginning February 1 of the year of a general primary election and ending the day after the general primary election and during a period beginning September 1 of

the year of a general election and ending the day after the general election, any newsletters or brochures that were printed, at any time, by the Legislative Printing Unit.

Section 90-25. The General Assembly Staff Assistants Act is amended by changing Sections 1a and 2 as follows:

(25 ILCS 160/1a) (from Ch. 63, par. 131.1)

Sec. 1a. Staff assistants; employment; allocation. There shall be such staff assistants for the General Assembly as necessary. Staff assistants may be employed as full-time employees, part-time employees, or contractual employees. Of the staff assistants so provided, one half the total number shall be for the Senate and one half for the House of Representatives. Of the assistants provided for the Senate, one half shall be designated by the President and one half by the minority leader. Of the assistants provided for the House of Representatives, one half shall be designated by the Speaker and one half by the minority leader.

(Source: P.A. 78-4.)

(25 ILCS 160/2) (from Ch. 63, par. 132)

Sec. 2. Staff assistants; assignments.

(a) During the period the General Assembly is in session, the staff assistants shall be assigned by the legislative leadership of the respective parties to perform research and render other assistance to the members of that party on such committees as may be designated.

(b) During the period when the General Assembly is not in session, the staff assistants shall perform such services as may be assigned by the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives party-leadership.

(c) The President and Minority Leader of the Senate and

the Speaker and Minority Leader of the House of Representatives shall each adopt and implement personnel policies for staff assistants under their respective jurisdiction and control as required by the State Officials and Employees Ethics Act.

(Source: Laws 1967, p. 280.)

Section 90-30. The Lobbyist Registration Act is amended by adding Section 3.1 and changing Sections 3, 5, 6, 6.5, and 7 as follows:

(25 ILCS 170/3) (from Ch. 63, par. 173)

Sec. 3. Persons required to register.

(a) Except as provided in Sections 4 and 9, the following persons shall register with the Secretary of State as provided herein:

(1) Any person who, for compensation or otherwise, either individually or as an employee or contractual employee of another person, undertakes to influence executive, legislative or administrative action.

(2) Any person who employs another person for the purposes of influencing executive, legislative or administrative action.

(b) It is a violation of this Act to engage in lobbying or to employ any person for the purpose of lobbying who is not registered with the Office of the Secretary of State, except upon condition that the person register and the person does in fact register within 2 business days after being employed or retained for lobbying services ~~10-working-days-of-an-agreement-to-conduct-any-lobbying-activity.~~

(Source: P.A. 88-187.)

(25 ILCS 170/3.1 new)

Sec. 3.1. Prohibition on serving on boards and

commissions. Notwithstanding any other law of this State, a person required to be registered under this Act may not serve on a board, commission, authority, or task force authorized or created by State law or by executive order of the Governor; except that this restriction does not apply to any of the following:

(1) a registered lobbyist serving in an elective public office, whether elected or appointed to fill a vacancy; and

(2) a registered lobbyist serving on a State advisory body that makes nonbinding recommendations to an agency of State government but does not make binding recommendations or determinations or take any other substantive action.

(25 ILCS 170/5) (from Ch. 63, par. 175)

Sec. 5. Lobbyist registration and disclosure. Every person required to register under Section 3 shall each--and every--year,--or before any such service is performed which requires the person to register, but in any event not later than 2 business days after being employed or retained, and on or before each January 31 and July 31 thereafter, file in the Office of the Secretary of State a written statement containing the following information with respect to each person or entity employing or retaining the person required to register:

(a) The registrant's name, and permanent address, e-mail address, if any, fax number, if any, business telephone number, and temporary address, if the registrant has a temporary address while lobbying of-the registrant.

(a-5) If the registrant is an organization or business entity, the information required under subsection (a) for each person associated with the

registrant who will be lobbying, regardless of whether lobbying is a significant part of his or her duties.

(b) The name and address of the person or persons employing or retaining registrant to perform such services or on whose behalf the registrant appears.

(c) A brief description of the executive, legislative, or administrative action in reference to which such service is to be rendered.

(c-5) Each executive and legislative branch agency the registrant expects to lobby during the registration period.

(c-6) The nature of the client's business, by indicating all of the following categories that apply: (1) banking and financial services, (2) manufacturing, (3) education, (4) environment, (5) healthcare, (6) insurance, (7) community interests, (8) labor, (9) public relations or advertising, (10) marketing or sales, (11) hospitality, (12) engineering, (13) information or technology products or services, (14) social services, (15) public utilities, (16) racing or wagering, (17) real estate or construction, (18) telecommunications, (19) trade or professional association, (20) travel or tourism, (21) transportation, and (22) other (setting forth the nature of that other business).

The registrant must file an amendment to the statement within 14 calendar days to report any substantial change or addition to the information previously filed, except that a registrant must file an amendment to the statement to disclose a new agreement to retain the registrant for lobbying services before any service is performed which requires the person to register, but in any event not later than 2 business days after entering into the retainer agreement.

Not later than 12 months after the effective date of this

amendatory Act of the 93rd General Assembly, or as soon thereafter as the Secretary of State has provided adequate software to the persons required to file, all statements and amendments to statements required to be filed shall be filed electronically. The Secretary of State shall promptly make all filed statements and amendments to statements publicly available by means of a searchable database that is accessible through the World Wide Web. The Secretary of State shall provide all software necessary to comply with this provision to all persons required to file. The Secretary of State shall implement a plan to provide computer access and assistance to persons required to file electronically.

Persons required to register under this Act shall, on an annual basis, remit a single, annual and nonrefundable \$100 \$50 registration fee and a picture of the registrant. A registrant may, in lieu of submitting a picture on an annual basis, authorize the Secretary of State to use any photo identification available in any database maintained by the Secretary of State for other purposes. All fees shall be deposited into the Lobbyist Registration Administration Fund for administration and enforcement of this Act. The increase in the fee from \$50 to \$100 by this amendatory Act of the 93rd General Assembly is intended to be used to implement and maintain electronic filing of reports under this Act and is in addition to any other fee increase enacted by the 93rd or any subsequent General Assembly.

(Source: P.A. 88-187.)

(25 ILCS 170/6) (from Ch. 63, par. 176)

Sec. 6. Reports.

(a) Except as otherwise provided in this Section, every person required to register as prescribed in Section 3 shall report, verified under oath pursuant to Section 1-109 of the Code of Civil Procedure, to the Secretary of State all

expenditures for lobbying made or incurred by the lobbyist on his behalf or the behalf of his employer. In the case where an individual is solely employed by another person to perform job related functions any part of which includes lobbying, the employer shall be responsible for reporting all lobbying expenditures incurred on the employer's behalf as shall be identified by the lobbyist to the employer preceding such report. Persons who contract with another person to perform lobbying activities shall be responsible for reporting all lobbying expenditures incurred on the employer's behalf. Any additional lobbying expenses incurred by the employer which are separate and apart from those incurred by the contractual employee shall be reported by the employer.

(b) The report shall itemize each individual expenditure or transaction over \$100 and shall include the name of the official on whose behalf the expenditure was made, the name of the client on whose behalf the expenditure was made, the total amount of the expenditure, the date on which the expenditure occurred and the subject matter of the lobbying activity, if any.

Expenditures attributable to lobbying officials shall be listed and reported according to the following categories:

- (1) travel and lodging on behalf of others.
- (2) meals, beverages and other entertainment.
- (3) gifts.
- (4) honoraria.

Individual expenditures required to be reported as described herein which are equal to or less than \$100 in value need not be itemized but are required to be categorized and reported by officials in an aggregate total in a manner prescribed by rule of the Secretary of State.

Expenditures incurred for hosting receptions, benefits and other large gatherings held for purposes of goodwill or otherwise to influence executive, legislative or

administrative action to which there are 25 or more State officials invited shall be reported listing only the total amount of the expenditure, the date of the event, and the estimated number of officials in attendance.

Each individual expenditure required to be reported shall include all expenses made for or on behalf of State officials and members of the immediate family of those persons.

The category travel and lodging includes, but is not limited to, all travel and living accommodations made for or on behalf of State officials in the capital during sessions of the General Assembly.

Reasonable and bona fide expenditures made by the registrant who is a member of a legislative or State study commission or committee while attending and participating in meetings and hearings of such commission or committee need not be reported.

Reasonable and bona fide expenditures made by the registrant for personal sustenance, lodging, travel, office expenses and clerical or support staff need not be reported.

Salaries, fees, and other compensation paid to the registrant for the purposes of lobbying need not be reported.

Any contributions required to be reported under Article 9 of the Election Code need not be reported.

The report shall include: (1) the name of each State government entity lobbied; (2) whether the lobbying involved executive, legislative, or administrative action, or a combination; (3) the names of the persons who performed the lobbyist services; and (4) a brief description of the legislative, executive, or administrative action involved.

Except as otherwise provided in this subsection, gifts and honoraria returned or reimbursed to the registrant within 30 days of the date of receipt shall need not be reported.

A gift or honorarium returned or reimbursed to the registrant within 10 days after the official receives a copy

of a report pursuant to Section 6.5 shall not be included in the final report unless the registrant informed the official, contemporaneously with the receipt of the gift or honorarium, that the gift or honorarium is a reportable expenditure pursuant to this Act.

(c) Reports under this Section shall be filed by July 31, for expenditures from the previous January 1 through the later of June 30 or the final day of the regular General Assembly session, and by January 31, for expenditures from the entire previous calendar year.

Registrants who made no reportable expenditures during a reporting period shall file a report stating that no expenditures were incurred. Such reports shall be filed in accordance with the deadlines as prescribed in this subsection.

A registrant who terminates employment or duties which required him to register under this Act shall give the Secretary of State, within 30 days after the date of such termination, written notice of such termination and shall include therewith a report of the expenditures described herein, covering the period of time since the filing of his last report to the date of termination of employment. Such notice and report shall be final and relieve such registrant of further reporting under this Act, unless and until he later takes employment or assumes duties requiring him to again register under this Act.

(d) Failure to file any such report within the time designated or the reporting of incomplete information shall constitute a violation of this Act.

A registrant shall preserve for a period of 2 years all receipts and records used in preparing reports under this Act.

(e) Within 30 days after a filing deadline, the lobbyist shall notify each official on whose behalf an expenditure has

been reported. Notification shall include the name of the registrant, the total amount of the expenditure, the date on which the expenditure occurred, and the subject matter of the lobbying activity.

(Source: P.A. 90-78, eff. 1-1-98.)

(25 ILCS 170/6.5)

Sec. 6.5. Response to report by official.

(a) Every person required to register as prescribed in Section 3 and required to file a report with the Secretary of State as prescribed in Section 6 shall, at least 25 days before ~~the deadline for~~ filing the report, provide a copy of the report to each official listed in the report by first class mail or hand delivery. An official may, within 10 days after receiving the copy of the report, provide written objections to the report by first class mail or hand delivery to the person required to file the report. If those written objections conflict with the final report that is filed, the written objections shall be filed along with the report.

(b) Failure to provide a copy of the report to an official listed in the report within the time designated in this Section is a violation of this Act.

(Source: P.A. 90-737, eff. 1-1-99.)

(25 ILCS 170/7) (from Ch. 63, par. 177)

Sec. 7. Duties of the Secretary of State.

It shall be the duty of the Secretary of State to provide appropriate forms for the registration and reporting of information required by this Act and to keep such registrations and reports on file in his office for 3 years from the date of filing. He shall also provide and maintain a register with appropriate blanks and indexes so that the information required in Sections 5 and 6 of this Act may be accordingly entered. Such records shall be considered public

information and open to public inspection.

A report filed under this Act is due in the Office of the Secretary of State no later than the close of business on the date on which it is required to be filed.

Within 10 days after a filing deadline, the Secretary of State shall notify persons he determines are required to file but have failed to do so.

Not later than 12 months after the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as the Secretary of State has provided adequate software to the persons required to file, all reports required under this Act shall be filed electronically. The Secretary of State shall promptly make all filed reports publicly available by means of a searchable database that is accessible through the World Wide Web. The Secretary of State shall provide all software necessary to comply with this provision to all persons required to file. The Secretary of State shall implement a plan to provide computer access and assistance to persons required to file electronically.

Not later than 12 months after the effective date of this amendatory Act of the 93rd General Assembly, the Secretary of State shall include registrants' pictures when publishing or posting on his or her website the information required in Section 5.

(Source: P.A. 88-187.)

Section 90-35. The Illinois Procurement Code is amended by changing Sections 50-13 and 50-30 as follows:

(30 ILCS 500/50-13)

Sec. 50-13. Conflicts of interest.

(a) Prohibition. It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the

offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority.

(b) Interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive (i) more than 7 1/2% of the total distributable income or (ii) an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c) Combined interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive (i) more than 15%, in the aggregate, of the total distributable income or (ii) an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c-5) Appointees and firms. In addition to any provisions of this Code, the interests of certain appointees and their firms are subject to Section 3A-35 of the Illinois Governmental Ethics Act.

(d) Securities. Nothing in this Section invalidates the provisions of any bond or other security previously offered or to be offered for sale or sold by or for the State of

Illinois.

(e) Prior interests. This Section does not affect the validity of any contract made between the State and an officer or employee of the State or member of the General Assembly, his or her spouse, minor child, or other immediate family member living in his or her residence or any combination of those persons if that contract was in existence before his or her election or employment as an officer, member, or employee. The contract is voidable, however, if it cannot be completed within 365 days after the officer, member, or employee takes office or is employed.

(f) Exceptions.

(1) Public aid payments. This Section does not apply to payments made for a public aid recipient.

(2) Teaching. This Section does not apply to a contract for personal services as a teacher or school administrator between a member of the General Assembly or his or her spouse, or a State officer or employee or his or her spouse, and any school district, public community college district, the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governor State University, or Northeastern Illinois University.

(3) Ministerial duties. This Section does not apply to a contract for personal services of a wholly ministerial character, including but not limited to services as a laborer, clerk, typist, stenographer, page, bookkeeper, receptionist, or telephone switchboard operator, made by a spouse or minor child of an elective or appointive State officer or employee or of a member of the General Assembly.

(4) Child and family services. This Section does

not apply to payments made to a member of the General Assembly, a State officer or employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department of Children and Family Services.

(5) Licensed professionals. Contracts with licensed professionals, provided they are competitively bid or part of a reimbursement program for specific, customary goods and services through the Department of Children and Family Services, the Department of Human Services, the Department of Public Aid, the Department of Public Health, or the Department on Aging.

(g) Penalty. A person convicted of a violation of this Section is guilty of a business offense and shall be fined not less than \$1,000 nor more than \$5,000.

(Source: P.A. 90-572, eff. 2-6-98.)

(30 ILCS 500/50-30)

Sec. 50-30. Revolving door prohibition.

(a) Chief procurement officers, associate procurement officers, State purchasing officers, their designees whose principal duties are directly related to State procurement, and executive officers confirmed by the Senate are expressly prohibited for a period of 2 years after terminating an affected position from engaging in any procurement activity relating to the State agency most recently employing them in an affected position for a period of at least 6 months. The prohibition includes but is not limited to: lobbying the procurement process; specifying; bidding; proposing bid, proposal, or contract documents; on their own behalf or on behalf of any firm, partnership, association, or corporation. This subsection Section applies only to persons who terminate an affected position on or after January 15, 1999.

(b) In addition to any other provisions of this Code, employment of former State employees is subject to the State Officials and Employees Ethics Act.

(Source: P.A. 90-572, eff. 2-6-98.)

Section 90-37. The Raffles Act is amended by changing Section 8.1 as follows:

(230 ILCS 15/8.1) (from Ch. 85, par. 2308.1)

Sec. 8.1. (a) Political Committees. For the purposes of this Section the terms defined in this subsection have the meanings given them.

"Net Proceeds" means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, license fees and other reasonable operating expenses incurred as a result of operating a raffle.

"Raffle" means a form of lottery, as defined in Section 28-2 (b) of the "Criminal Code of 1961", conducted by a political committee licensed under this Section, in which:

(1) the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;

(2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

"Unresolved claim" means a claim for civil penalty under Sections Section 9-3, 9-10, and 9-23 of The Election Code which has been begun by the State Board of Elections, has

been disputed by the political committee under the applicable rules of the State Board of Elections, and has not been finally decided either by the State Board of Elections, or, where application for review has been made to the Courts of Illinois, remains finally undecided by the Courts.

"Owes" means that a political committee has been finally determined under applicable rules of the State Board of Elections to be liable for a civil penalty under Sections Section 9-3, 9-10, and 9-23 of The Election Code.

(b) ~~(1)~~ Licenses issued pursuant to this Section shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year and may be suspended or revoked for any violation of this Section. The State Board of Elections shall act on a license application within 30 days from the date of application.

~~(2)--Licenses--shall--be--issued--only--to--political committees--which--have--been--in--existence--continuously--for a--period--of--1--year--immediately--before--making--application for--a--license--and--which--have--had--during--that--entire--1 year--period--a--bona-fide-membership--engaged--in--carrying out--their--objects--~~

(c) Licenses issued by the State Board of Elections are subject to the following restrictions:

(1) No political committee shall conduct raffles or chances without having first obtained a license therefor pursuant to this Section.

(2) The application for license shall be prepared in accordance with regulations of the State Board of Elections and must specify the area or areas within the State in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination of winning chances and the location or locations at which winning chances will

be determined.

(3) A license authorizes the licensee to conduct raffles as defined in this Section.

The following are ineligible for any license under this Section:

(i) any political committee which has an officer who has been convicted of a felony;

(ii) any political committee which has an officer who is or has been a professional gambler or gambling promoter;

(iii) any political committee which has an officer who is not of good moral character;

(iv) any political committee which has an officer who is also an officer of a firm or corporation in which a person defined in (i), (ii) or (iii) has a proprietary, equitable or credit interest, or in which such a person is active or employed;

(v) any political committee in which a person defined in (i), (ii) or (iii) is an officer, director, or employee, whether compensated or not;

(vi) any political committee in which a person defined in (i), (ii) or (iii) is to participate in the management or operation of a raffle as defined in this Section;

(vii) any committee which, at the time of its application for a license to conduct a raffle, owes the State Board of Elections any unpaid civil penalty authorized by Sections Section 9-3, 9-10, and 9-23 of The Election Code, or is the subject of an unresolved claim for a civil penalty under Sections Section 9-3, 9-10, and 9-23 of The Election Code;

(viii) any political committee which, at the

time of its application to conduct a raffle, has not submitted any report or document required to be filed by Article 9 of The Election Code and such report or document is more than 10 days overdue.

(d) (1) The conducting of raffles is subject to the following restrictions:

(i) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the political committee permitted to conduct that game.

(ii) No person except a bona fide member of the political committee may participate in the management or operation of the raffle.

(iii) No person may receive any remuneration or profit for participating in the management or operation of the raffle.

(iv) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.

(v) A person under the age of 18 years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

(2) If a lessor rents premises where a winning chance or chances on a raffle are determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued under the provisions of this Section.

(e) (1) Each political committee licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single

gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(2) Each political committee licensed to conduct raffles shall report on the next report due to be filed under Article 9 of The Election Code its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this subsection.

Such reports shall be included in the regular reports required of political committees by Article 9 of The Election Code.

(3) Records required by this subsection shall be preserved for 3 years, and political committees shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

(f) Violation of any provision of this Section is a Class C misdemeanor.

(g) Nothing in this Section shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein.

(Source: P.A. 86-394; 86-1028; 86-1301; 87-1271.)

Section 90-40. The State Lawsuit Immunity Act is amended by changing Section 1 as follows:

(745 ILCS 5/1) (from Ch. 127, par. 801)

Sec. 1. Except as provided in the "Illinois Public Labor Relations Act", enacted--by--the--83rd-General-Assembly, or ~~except as provided in "AN ACT to create the Court of Claims Act, and the State Officials and Employees Ethics Act to prescribe its powers and duties, and to repeal AN ACT herein named"~~, and the State Officials and Employees Ethics Act to ~~prescribe its powers and duties, and to repeal AN ACT herein~~ named", ~~filed July 17, 1945, as amended,~~ the State of Illinois shall not be made a defendant or party in any court. (Source: P.A. 83-1012.)

#### ARTICLE 99

##### MISCELLANEOUS PROVISIONS

Section 99-5. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99-99. Effective date. This Act takes effect upon becoming law.